

**CALIFORNIA EMERGENCY MANAGEMENT AGENCY
NOTICE OF PROPOSED RULEMAKING**

**CALIFORNIA CODE OF REGULATIONS
TITLE 19. PUBLIC SAFETY
DIVISION 2. OFFICE OF EMERGENCY SERVICES
CHAPTER 6 CALIFORNIA DISASTER ASSISTANCE ACT (CDAA)**

Notice is hereby given that the California Emergency Management Agency (Cal EMA) proposes to take the regulatory action described below after considering all public comments, objections and recommendations.

PROPOSED REGULATORY ACTION

Cal EMA proposes to add the following sections to Chapter 6, Division 2, Title 19 of the California Code of Regulations:

Section 3000. Definitions
Section 3010. General Provisions for Eligible Private Nonprofit (PNP) Activities
Section 3020. PNP Applicant Eligibility
Section 3030. PNP Activities Eligibility
Section 3040. PNP Cost Eligibility
Section 3050. PNP Application Process
Section 3060. Fair Hearing Process
Section 3070. Audit
Section 3080. Retention Requirements for Records
Section 3090. Original Source Documentation

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In accordance with Title 2, Division 1, Chapter 7.5, Section 8692 (e) of the Government Code (Govt. Code), Cal EMA shall adopt regulations to govern the administration of the newly enacted Article 6, Nonprofit Organizations.

The California Disaster Assistance Act (Act) was recently amended by Assembly Bill 903 – Chapter 400; approved by the Governor on October 10, 2007 [Title 2, Division 1, Chapter 7.5, of the Govt. Code] to require the Secretary of the Cal EMA to administer a program that provides state financial assistance as reimbursement to private nonprofit organizations (PNPs) for the distribution of supplies and other emergency or disaster assistance activities resulting in extraordinary costs. Prior to this amendment, the program provided state financial assistance to local agencies. For the purposes of the program, a PNP is defined as any private not for profit organization that is compliant with Title 44 of the Code of Federal Regulations (44 CFR) Section 206.221(7) (f). The program may be implemented only in the event of a Governor’s State of Emergency Proclamation.

Effect on Small Business: Cal EMA has determined that the proposed regulations will not affect small business. These proposed regulations are necessary to implement PNP eligibility for state financial assistance as mandated in Section 8692 of the Act.

AUTHORITY AND REFERENCE

This regulation is proposed in accordance with Title 2, Division 1, Chapter 7.5, Section 8692(e) of the Government Code. This Section 8692(e) requires the California Emergency Management Agency to adopt regulations to govern the administration of the newly enacted Article 6, Nonprofit Organizations.

WRITTEN COMMENT PERIOD

Any interested person, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to Cal EMA. The written comment period closes at 5:00 p.m. on June 7, 2010. Cal EMA will consider only comments received at the Cal EMA office by that time. You may submit written comments as follows:

U.S. Mail: Ms. Nancy Sutton
 Recovery Division
 California Emergency Management Agency
 3650 Schriever Avenue
 Mather, CA 95655

Facsimile: (916) 845-8387

E-mail: Nancy.Sutton@calema.ca.gov

PUBLIC HEARING

Cal EMA will schedule public hearings on this proposed action if requested. To request a public hearing, a written request shall be submitted to Ms. Nancy Sutton at the address above, no later than 15 days prior to the close of the written comment period.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cal EMA has made the following determinations:

- Mandate on local agencies and school districts: *none*
- Cost or savings to any state agency: *none*
- Cost to any local agency or school district which must be reimbursed commencing with Government Code section 17500: *none*
- Other nondiscretionary cost or savings imposed on local agencies: *none*
- Cost or savings in federal funding to the state: *none*

- Effect on business: Cal EMA has made an initial determination that the adoption of these regulations will not have a significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Cal EMA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: *none*
- The proposed Rules do not conflict with, or duplicate Federal regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), Cal EMA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Cal EMA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Cal EMA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the rulemaking process or other technical or non-technical questions may be directed to:

Primary Contact:	Nancy Sutton	(916) 845-8276
Backup Contact:	Patti Rapozo	(916) 845-8519

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

Cal EMA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file shall consist of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting the persons listed in this notice or by accessing our Web site at the following address:
<http://www.calema.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

When the Final Statement of reasons is prepared, you may obtain a copy by contacting the agency person listed in this notice or by accessing our Web site listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Cal EMA may adopt the proposed regulations substantially as described in this notice. If Cal EMA makes modifications to the originally proposed text, it will make the modified text available to interested parties for at least 15 days before the adoption of the regulations as modified. Cal EMA will accept written comments on the modified regulations for 15 days after the date on which the modified text is noticed.

****END****